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SEP 27 2006
PATENT APPLICATIONATTORNEY DOCKET NO. 100201040-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kirk Steven Tecu et al
Application No.: 10/077500
Filing Date: Feb 14, 2002

Confirmation No.: 3339
Examiner: Lin Ye
Group Art Unit: 2622

Title: Camera That Uses Flash Illumination To Assist In Composition

Mail Stop Appeal Brief - Patents
Commissioner For Patents
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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on August 28, 2006.
This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,

Kirk Steven Tecu et al

By

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Date: 27 - SEPT - 2006

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PATENT APPLICATION
ATTORNEY DOCKET NO. 100201040-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Tecu, et al.

Serial No.: 10/077,500

Filing Date: 02/14/2002

Title: A camera that uses flash illumination to assist in composition

Examiner: Lin Ye

Group Art Unit: 2622

THE ASSISTANT COMMISSIONER OF PATENTS
Washington, D.C. 20231

REPLY BRIEF

Pursuant to the provisions of 37 CFR § 41.41, Applicant hereby replies to the Examiner's answer mailed August 28, 2006.

ISSUES

1. Whether claims 1-3, 5-7, 11-13 and 15-19 are unpatentable under 35 U.S.C. § 103(a) over Tanaka (U.S. Pat. App. Pub. 2001/0043277) in view of Matsui (U.S. Pat. App. Pub. 2002/0048457).
2. Whether claims 4 and 14 are unpatentable under 35 U.S.C. § 103(a) over Tanaka in view of Matsui and Iwai (U.S. Pat. No. 5,198,855).
3. Whether claims 8-10 and 20-22 are unpatentable under 35 U.S.C. § 103(a) over Tanaka in view of Matsui and Umeda (U.S. Pat. No. 5,920,342).

INTRODUCTION

Applicant thanks the examiner for the allowance of claims 23 and 24.

Each of the remaining grounds of rejection has been fully argued in the Appeal Brief filed July 20, 2006, and Applicant believes those arguments sufficient to show all of Applicant's claims allowable over the cited references. However, the examiner persists in rejecting claims 1-22 under 35 U.S.C. § 103(a). Applicant takes this opportunity to briefly re-

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emphasize arguments why the examiner has not made out a prima facie case of obviousness, and to rebut an argument raised in the Examiner's Answer.

ARGUMENT

In each of the rejections, the examiner relies on the Tanaka reference to teach a strobe flashing throughout composition of a photograph. Tanaka does not teach a strobe flashing throughout composition of a photograph. The combined references therefore do not teach or suggest all of the claim limitations, and the examiner's prima facie case of obviousness fails with respect to claims 1-22. (See MPEP 2143)

A. A single flash is too short to occur throughout composition of a photograph.

The examiner insists that the "pre-light emission" shown in Tanaka's Figure 12 occurs throughout composition of a photograph. (Examiner's Answer page 4) A typical flash or strobe has a duration of about 1 millisecond, or 1/1000th second. (Matsui reference paragraph [0008]) "Composing a photograph" is defined in Applicant's specification as "the selection of a camera position, viewing direction, and angular field of view such that the desired parts of the scene are included in the photograph, other parts of the scene are excluded from the photograph, and objects in the scene are in a desired relationship to each other in the photograph." (Applicant's specification page 1 lines 9-14) Clearly, a flash lasting only 1/1000th second is far too short to encompass the activities involved in composing a photograph.

The examiner makes much of the fact that Tanaka's Figure 12 appears to show two "pre light emission images captured by the CCD during the pre-light emission period". (Examiner's Answer page 4) Even if true, this is totally irrelevant, as Applicant's independent claims are concerned only with the behavior of the flash, and not with whether any or how many "pre-light emission images" are captured.

In order to sustain the rejection, the examiner asserts in the Examiner's Answer that "[t]he language in the claims 1, 11 and 19 written broadly enough to allow the examiner to interpret 'composition of a photograph' as to preview one image on display or evaluate one live view image for preparing a final photograph." (Examiner's Answer page 17) Applicant disagrees, and notes that this interpretation ignores Applicant's definition of composition. Even if the examiner's interpretation were to be accepted, the examiner has not shown that

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Tanaka's flash continues long enough for the photographer to evaluate even one live view image.

B. Tanaka's pre-light emission stops short of the end of composition.

Tanaka's Figure 12 clearly shows its pre-light emission terminating significantly before the time when an S2 state is entered. Applicant has explained that "[t]he composition time or preview time typically ends when the photographer indicates, for example by fully depressing the shutter release, that he or she wishes the camera to initiate its final photograph taking sequence and take a final photograph." Tanaka itself equates S2 with the "full-pressed state" of a shutter release. (Tanaka paragraph [0173]) Clearly Tanaka's "pre-light emission" ends well before composition ends, and therefore does not occur throughout composition of a photograph.

CONCLUSION

In view of the above, Applicant requests that all of the examiner's claim rejections be reversed.

Respectfully submitted,

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September 27, 2006
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